

December 2, 2020

The motion to seal ECF No. 247 is  
GRANTED.

The Clerk of Court is respectfully directed to  
make ECF No. 247 only visible to the  
Plaintiffs, Defendants and the Court and to  
close the Motion at ECF No. 248.

SO ORDERED

12/4/2020

**VIA ECF**

The Honorable Sarah L. Cave, U.S.M.J.  
United States District Court, Southern District of New York  
500 Pearl Street, Room 702  
New York, NY 10007

  
SARAH L. CAVE  
United States Magistrate Judge

**Re: Local 3621, et al v. City of New York, et al; Index No. 18-cv-04476(LJL)(SLC)**

Your Honor:

Defendants' counsel filed this evening as part of their opposition to Plaintiffs' crossmotion for a protective order, the very information that Plaintiffs seek a protective order for, namely unsubstantiated and irrelevant allegations about the prior disciplinary history of Representative Plaintiff Mascol including charges that were ultimately dropped and a confidential stipulation of settlement that expressly carves out Captain Mascol's right to apply for a promotion.

Upon information and belief, this was done in an effort to prejudice the Court because Defendants' counsel feared she would be foreclosed from doing so if the protective order was issued.

While it is reprehensible that Defendants' counsel would make these prejudicial and irrelevant accusations against Captain Mascol and submit them and a confidential settlement agreement in a public filing with the Court, especially given the protections sought in the instant motion. The merits of these accusations and their relevance will be addressed in Plaintiffs' reply.

In the immediate we simply ask that this response [Dkt. No. 247] be sealed until the matter of the protective order is decided by the Court. United States v. Amodeo, 71 F.3d 1044, 1051 (2d Cir. 1995) ("In determining the weight to be accorded an assertion of a right of privacy, courts should first consider the degree to which the subject matter is traditionally considered private rather than public.")

Respectfully Submitted,

/s/

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